APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,394	07/03/2003	John Melidco	J000-P0363US	5950

			EXAMINER
33356	7590	01/03/2006	BAUTISTA, XIOMARA L

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ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6,11-17,22-28 and 33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6,11-17,22-28 and 33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.　　Applicant's arguments with respect to claims 1-6, 11-17, 22-28 and 33 have

been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2.　　A rejection based on double patenting of the "same invention" type finds its
support in the language of 35 U.S.C. 101 which states that "whoever invents or
discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis
added). Thus, the term "same invention," in this context, means an invention
drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186
(1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*,
422 F.2d 438, 164 USPQ 619 (CCPA 1970).

　　　　A statutory type (35 U.S.C. 101) double patenting rejection can be overcome
by canceling or amending the conflicting claims so they are no longer coextensive in
scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting
rejection based upon 35 U.S.C. 101.

1.　　Claims 1-6, 11-17, 22-28 and 33 are provisionally rejected under 35

U.S.C. 101 as claiming the same invention as that of claims 1-27 of copending

Application No. 10/840,889. This is a <u>provisional</u> double patenting rejection since

the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1, 2, 5, 12, 13, 16, 23, 24, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Carl Dichter* (WO 00/05679) and *Sassin et al* (US 6,249,576 B1).**

Claims 1, 5, 12, 16, 23, 27 and 33:

Dichter discloses a system that recognizes characters displayed on a television or computer screen, scans the character information for desired patterns associated with contact information, and then the information can be stored or an immediate contact may be implemented (abstract; page 1-2). Dichter explains that the system can capture images containing contact information (such as telephone numbers) and then they can be manipulated to facilitate contact with another party (page 2, lines 11-31; page 3, lines 3-32). A selected contact information may be used to make contact; a dialer may be automatically activated to call the stored telephone number (page 4, lines 5-23). The computer includes images having contact information in an image or graphics mode; the contact information may be included as part of an Internet web page (page 2, lines 19-21). Dichter does not teach sending a data trigger to a switch to initiate a telephone call. However, Sassin discloses a system and method for establishing a connection between a first and a second communication device using a computer that is configured to dial telephone

numbers to set up calls for a second telephone (abstract; col. 1, lines 59-67; col. 2, lines 1-2; col. 3, lines 34-45). Sassin teaches an establish-connection command signal having instructions for directing the computer to dial the first telephone number to establish the connection between the first communication device and the second communication device (second telephone); the connection being triggered from the server and established from the computer. Sassin explains that the server is configured to transmit the establish-connection command signal to a telephone switch (col. 2, lines 15-50). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Dichter's method to include Sassin's teaching of sending a data trigger to signal to a telephone switch to initiate a call because the system allows users to select a telephone number from a computer and to connect to the called party without having to make a separate telephone call.

Claims 2, 13 and 24:

See claim 1. Dichter instructions to display the data unit (p. 2, lines 19-31; p. 3, lines 15-32).

5.   Claims 3, 4, 6, 14, 15, 17, 24, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dichter/Sassin* and *Giordano, III* (US 6,870,828 B1).

Claims 3, 14 and 25:

Dichter/Sassin does not teach data units are part of a file and that only a

portion of the file is displayable. However, Giordano discloses a method of scanning data units (web documents), recognizing, displaying, and accessing telephone numbers appearing on the data unit (web page). The method has a parsing algorithm that recognizes telephone numbers and coding that is added to iconify the telephone numbers, the icons being selectable by a user to place a call (embedding objects to allow initiation of telephone calls). Giordano teaches that the telephone numbers are conspicuously rendered by including a button surrounding the number (attachments between displayed telephone numbers and telephone call initiation), font appearance, underlining, or highlighting (col. 2, lines 8-28; col. 3, lines 4-15, 37-49, 57-65; col. 4, lines 20-27). Giordano teaches that the data unit (web page) is part of a file (col. 3, lines 25-32) and that only portions of the file may be displayed (col. 3, lines 33-43). Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to modify Dichter/Sassin's method to include Giordano's teaching of displaying only portions of a file because users are provided only with the necessary information; this is especially convenient for those users having small portable devices having a small screen.

Claims 4, 15 and 24:

See claim 3. Giordano teaches that the data units may include text, hyphens, parenthesis, spaces, etc. (col. 3, lines 64-67) and non-displayable data such as data associated with the telephone number (stored corresponding name or address) and the code, link or associated data that enables initiation of a call (col. 2, lines 7-45).

Claims 6, 17 and 28:

Dicther/Sassin does not teach a display attribute comprising a distinctive color, underlining, or a distinctive font. However, Giordano discloses a method of recognizing, displaying, and accessing telephone numbers appearing on a web page. The method has a parsing algorithm that recognizes telephone numbers and coding that is added to iconify the telephone numbers, the icons being selectable by a user to place a call. Giordano teaches that the telephone numbers are conspicuously rendered by including a button surrounding the number, font appearance, underlining, or highlighting (col. 2, lines 8-28; col. 3, lines 4-15, 37-49, 57-65; col. 4, lines 20-27). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Dicther/Sassin's method of providing contact information to include Giordano's teaching of rendering contact information because it facilitates selection and provides enhancement of contact information for quick identification of telephone numbers.

Claims 11, 22 and 33:

See claim 1. Giordano teaches embedding the objects (telephone numbers) in the data units (web page), the objects including hooks (icon, link) for allowing initiation of telephone calls (col. 2, lines 22-28, 31-46; col. 4, lines 20-27).
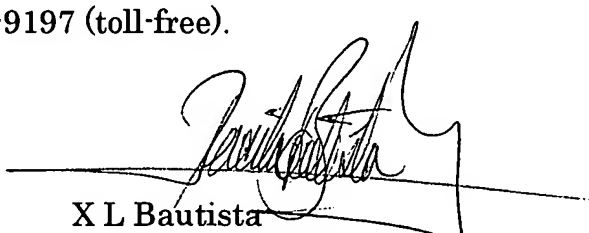
Conclusion

6.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to X L. Bautista whose telephone number is (571)

272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-

6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

7.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X L Bautista
Primary Examiner
Art Unit 2179

xlb
December 22, 2005